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US PTO
JCS639

PATENT

Attorney's Docket No. 21,530-B-USA

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Jeffrey W. Brunerjc551 U.S. PRO
09/253810
02/19/99
**WARNING:** Patent must be applied for in the name(s) of all of the actual inventor(s).
37 CFR 1.41(a) and 1.53(b).

For (title): COMPOSITE ELASTOMERIC YARNS AND FABRIC

C. Type of Application

This new application is for a(n) (check one applicable item below):

 Original Design Plant**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 USC 371(c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.**NOTE:** If one of the following 3 items apply then complete and attach ADDED PAGED FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED. Divisional Continuation Continuation-in-part (CIP)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date November 12, 1998 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL288594995US addressed to the: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Deborah L. Fowler
(Type or print name of person mailing paper)


(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

2. Benefit of Prior U.S. Application(s) (35 UCS 120)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

26 Pages of specification
 4 Pages of claims
 1 Page of Abstract
 9 Sheets of drawing
 formal

XX informal

WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. **Only one copy is required or desired.** Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia such as the serial number, group and unit, title of the invention, attorney's docket number, inventor's name, number of sheets, etc., not to exceed 2-3/4 inches (7.0 cm.) in width may be placed in a centered location between the side edges within three fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing or the placement, although not preferred, of this information and the title of the invention on the back of the drawings is acceptable." Proposed 37 CFR 1.84(l). Notice of March 9, 1988 (1090 O.G. 57-62).

4. Additional papers enclosed

Preliminary Amendment
 Information Disclosure Statement
 Form PTO-1449
 Citations
 Declaration of Biological Deposit
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative
 Special Comments
 Other

5. Declaration or oath

- Enclosed (not executed)
by (check all applicable boxes)
- inventor(s).
- legal representative of inventor(s).
37 CFR 1.42 or 1.43
- joint inventor or person showing a proprietary
interest on behalf of inventor who refused to sign or
cannot be reached.
- this is the petition required by 37 CFR 1.47 and
the statement required by 37 CFR 1.47 is also
attached. See item 13 below for fee.

Not Enclosed.

WARNING: Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDITIONAL PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

Showing that the filing is authorized.
(Not required unless called into question. 37 CFR 1.41(d)).

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

- The same
or
- Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- is submitted.
- will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$30.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(d).

English

non-English

the attached translation is a verified translation.
37 CFR 1.52(d).

8. Assignment

An assignment of the invention to _____

is attached.

will follow.

9. Certified Copy

Certified copy(ies) of application(s)

.	(country)	(appln. no.)	(filed)
	(country)	(appln. no.)	(filed)
	(country)	(appln. no.)	(filed)

from which priority is claimed

is(are) attached.

will follow.

NOTE: The foreign application forming the basis for the claim for priority **must** be referred to in the **oath or declaration**. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 USC 120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 CFR 1.16)

A. Regular application

CLAIMS AS FILED					
Number filed	Number Extra	Rate	Basic Fee		
			\$760.00		
Total Claims	17 -20= 0	X \$ 18.00	\$ 0.00		
Independent Claims (37 CFR 1.16(b))	4 -3= 1	X \$ 78.00	\$ 78.00		
Multiple dependent claim(s), if any (37 CFR 1.16(d))			\$270.00		

Amendment cancelling extra claims enclosed.

Amendment deleting multiple dependencies enclosed.

Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 838.00

B. Design application

(\$330.00--37 CFR 1.16(f))

Filing Fee Calculation \$ _____

C. Plant application

(\$540.00--37 CFR 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A, B or C above) \$ _____

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

**12. Request for International-Type Search (37 CFR 1.104(d))
(complete, if applicable)**

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made At This Time

Not Enclosed.

No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).

Enclosed

<input type="checkbox"/> basic filing fee	\$ _____
<input type="checkbox"/> recording assignment (\$40.00; 37 CFR 1.21(h))	\$ _____
<input type="checkbox"/> petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$120.00; 37 CFR 1.47 and 1.17(h))	\$ _____
<input type="checkbox"/> for processing an application with a specification in a non-English language. (\$30.00; 37 CFR 1.52(d) and 1.17(k))	\$ _____
<input type="checkbox"/> processing and retention fee (\$120.00; 37 CFR 1.53(d) and 1.21(l))	\$ _____
<input type="checkbox"/> fee for international-type search report (\$30.00; 37 CFR 1.21(e))	\$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of \$ 1.21(l) must be paid within 1 year from notification under § 53(d).

Total fees enclosed \$ _____

14. Method of Payment of Fees

<input type="checkbox"/> Check in the amount of \$ _____
<input type="checkbox"/> Charge Account No. 19-5425 in the amount of \$ _____.

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing the following items should **not** be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

<input type="checkbox"/> The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 19-5425:
<input type="checkbox"/> 37 CFR 1.16(a), (f) or (g)(filing fees)
<input type="checkbox"/> 37 CFR 1.16(b), (c) and (d)(presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid for these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 CFR 1.17 (application processing fees)

WARNING: While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed". (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.31 (b))

NOTE: When an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, or at the time of paying...issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

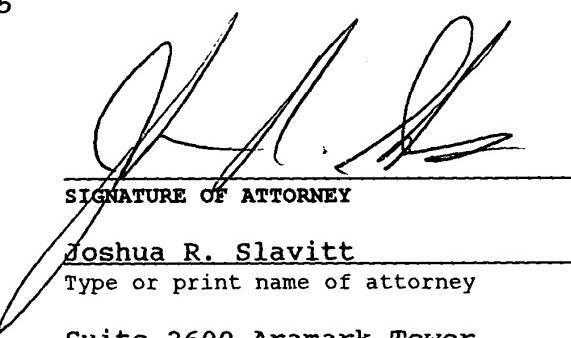
16. Instructions As To Overpayment

X credit Account No. 19-5425

 refund

Reg. No. 40,816

Tel. No. (215) 923-4466


SIGNATURE OF ATTORNEY

Joshua R. Slavitt

Type or print name of attorney

Suite 2600 Aramark Tower

P. O. Address

1101 Market Street

Philadelphia, PA 19107

Incorporation by reference of added pages

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

Plus added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 1

Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

Statement Where No Further Pages Added

(If no further pages form a part of this Transmittal then end this Transmittal with this page and check the following item)

This transmittal ends with this page.

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE
PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: "In order for an application to claim benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 12." 37 CFR 1.78(a).

NOTE: "In addition the prior application must be (1) complete as set forth in §1.51, or (2) entitled to a filing date as set forth in §1.53(b) and include the basic filing fee set forth in §1.16; or (3) entitled to a filing date as set forth in §1.53 and have paid therein the processing and retention fee set forth in §1.21(1) within the time period set forth in §1.53(d)." 37 CFR 1.78(a).

17. Relate Back

A. 35 U.S.C. 119(e)

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. §1.78(a)(4).

x "This application claims the benefit of U.S. Provisional Application(s) No(s).:

Application No(s).:

Filing Date

60/075,439

February 20, 1998

B. 35 U.S.C. 120

NOTE: "Any application claiming the benefit of a prior filed copending national or international application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application identifying it by serial number and filing date or international application number and filing date and indicating the relationship of the applications." 37 CFR 1.78(a).

Amend the Specification by inserting before the first line the sentence:

"This is a

continuation

x continuation-in-part

divisional

of copending application(s)

x serial number 08/775,610 filed on December 31, 1996"

International Application filed on

and which designated the U.S."

NOTE: The proper reference to a prior filed PCT Application which entered the U.S. national phase in the U.S. serial number and the filing date of the PCT application which designated the U.S.